

Mar 31, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
SPOKANE TRIBE OF INDIANS,
Plaintiff/Intervenor,
v.
BARBARA J. ANDERSON, et al.,
Defendants.

NO. 2:72-CV-03643-SAB

ORDER RE: MOTIONS

Before the Court are the Joint Motion of the United States, Washington Department of Ecology and the Spokane Tribe of Indians for Adoption of Litigation Plan and for Dismissal of Untimely Objections, ECF No. 934 and Withdrawal of Request to Dismiss Letters Filed After December 6, 2019 Deadline, ECF No. 937; Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners Association, Inc.'s Cross-Motion for Briefing and Oral Argument in Opposition to Government Parties' Joint Motion for Litigation Plan and For Dismissal of Untimely Objections, ECF No. 935; and Howard Opadden's Motion to Vacate and Motion to Dismiss, ECF No. 936. The motions were heard without oral argument.

The United States, Washington Department of Ecology and the Spokane Tribe of Indians ("The Government Parties") move the Court to enter their proposed Case Management Plan that deals with how the Court should review the objections filed to the "Order to Show Cause Why Five Amendments to Prior

1 Orders Should Not Be Entered," ECF No. 919. The Government Parties request
2 that the Court order all Objectors to attend a meeting with them to gather more
3 information about the Agreement and proposed changes to the prior court orders
4 prior to requiring them to respond to the objections.

5 Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners Association
6 object to this request. These objectors also raise legal and equitable objections to
7 the Order to Show Cause and proposed Agreement. They propose that the
8 Government Parties be ordered to respond to the objections, the Objectors be given
9 30 days to respond, and then the Court set the matter for oral argument.

10 The Court finds the interest of justice would be better met by the Objector's
11 proposed course of action.

12 Accordingly, **IT IS HEREBY ORDERED:**

- 13 1. The Joint Motion of the United States, Washington Department of
14 Ecology and the Spokane Tribe of Indians for Adoption of Litigation
15 Plan and for Dismissal of Untimely Objections, ECF No. 934, is
16 **GRANTED, in part, and DENIED, in part.**
- 17 2. The Government Parties' Withdrawal of Request to Dismiss Letters
18 Filed After December 6, 2019 Deadline, ECF No. 937, is **GRANTED**.
- 19 3. Dan Sulgrove, Leslie Sulgrove and Chamokane Landowners
20 Association, Inc. Cross-Motion for Briefing and Oral Argument in
21 Opposition to Government Parties' Joint Motion for Litigation Plan and
22 For Dismissal of Untimely Objections, ECF No. 935, is **GRANTED**.
- 23 4. Howard Opadden's Motion to Vacate and Motion to Dismiss, ECF No.
24 936, is construed as Objections to the Order to Show Cause and should
25 not longer be set as a pending motion in the Court Record.
- 26 5. Within 30 days from the date of this Order, the Government Parties are
27 directed to file a joint response to the objections, or separate responses,
28 if necessary.

6. The Objectors shall file their reply, if any, within 30 days after the Government Parties have filed their memorandum.
 7. The Court will consider extending the deadlines if counsel or the Objectors have difficulty meeting the deadlines based on COVID-19 pandemic-related work slow-downs.
 8. After the Court has reviewed the briefings, it will decide whether it is necessary to have oral argument.
 9. The District Court Executive is directed to provide copies of this Order to the parties listed in the Certificate of Service attached to the Annual Report of the Water Master, ECF No. 922, Ex. 1, along with the following persons:

Peter G. Scott,
Law Offices, PLLC
682 South Ferguson Ave #4
Bozeman, MT 59718-6491

Angela Lynn Forsman
5161 Gennett Rd.
Springdale, WA 99173

Martin Monroe
P.O. Box 153
Valley, WA 99181

11

11

27 | 11

22 | 11

1 howard-o:padden
2 General Delivery
3 P.O. Box 365
4 Clayton, WA 99110

5
6 Joyce Norman
7 4373 Drum Road
8 Springdale, WA 99173

9 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
10 file this Order.

11 **DATED** this 31st day of March 2020.



12
13
14
15 Stanley A. Bastian

16 Stanley A. Bastian
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28